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1 Q So in the instances in this particular bonus we're talking
 2 about in this case was there money ear-marked for a safety
 3 specialist's bonus for Mr. Zuber, if you know?
 4 A No. You mean specifically to Ron Zuber?
 5 Q Well, or for, if you had 20 specialists, there was a pot
 6 of money to be....
 7 A No. Here's how it works, let me help you out. The end of
 8 the year comes, we get January, February, whatever time
 9 frame, we look at how much money we may have earned as a
 10 corporation from an incentive through our O&M work with
 11 the -- ARCO at the time, or Conoco Phillips. We look at
 12 how much money we make on our risk/reward projects. We
 13 pool that money together and then we -- in a pretty simple
 14 calculation we look at how much we can put into the pool.
 15 Really, the monies that come from risk/reward were
 16 originally targeted to be -- as management we targeted to
 17 split 50/50 corporation/employees, we'd throw it in the
 18 pool. In later years we end up putting it -- more of it
 19 into the pool because we weren't earning as much -- I
 20 mean, we were getting squeezed by the oil companies to not
 21 put as much -- they were not willing to give us any
 22 additional incentive money, they wanted -- they actually
 23 wanted to do away with the bonus all together. We would
 24 take it, pretty simple, whatever the dollars were over the
 25 denominator of how many employees, X, and -- some

1 bonus from the old field, as it were?
 2 A I can't think of an instance where that ever happened. So
 3 that's a -- hypothetically, didn't happen.
 4 Q All right, I hate to ask this question, but you've been
 5 talking about risk/rewards, is that some type of bonus
 6 program for the company, as it were?
 7 A It's a -- it's a -- we don't do it any longer, but there
 8 was a period of time where we -- where the client
 9 challenged us, we challenged the client around hard-dollar
 10 projects. We said we can do this project for X dollars if
 11 we can do X schedule. If we can perform better than that
 12 criteria, they would share some of their reward or profits
 13 with us, the savings, if you will. If we went beyond
 14 that, we were at risk, we would have to pay them back.
 15 Q Okay, so it was kind of a fixed price bid on a job type of
 16 situation?
 17 A Yeah, fixed price element, right.
 18 MR COVELL: All right, let me go off the record for just
 19 a minute and I think we're about done, I just want to talk to my
 20 client for a minute.
 21 (OFF THE RECORD)
 22 (ON THE RECORD)
 23 MR COVELL: Just a few more questions here.
 24 REPORTER: On record.
 25 A Make them easy.

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1 variation to that, and -- and give -- and they come out
 2 with whatever that number is and then that would be paid
 3 out to the employees.
 4 Q Okay, if -- after Zuber left I assume he was replaced by
 5 somebody else?
 6 A I wasn't at the job -- I wasn't in Kuparuk at the time,
 7 but yeah, I assume, yeah.
 8 Q Would that new person have received that bonus, the person
 9 that took Zuber's job? Would they get the bonus?
 10 A The new person.
 11 Q Right.
 12 A No. Had they -- had they transferred from -- who was the
 13 person? If they -- if they were an employee of APC's and
 14 got moved or shuffled or move or some transferred, if they
 15 were working at Kuparuk field, yes. If they weren't, if
 16 they were, say, a new hire off the street, no.
 17 Q And if they came from a different field what would happen
 18 in regard to the bonus?
 19 A Probably would not -- no, they -- if they came from, say,
 20 BP operations, no, they would not get it.
 21 Q Okay. Do employees get bonuses at other fields?
 22 A Some, yes, some don't. Some, no, depending upon --
 23 there's been an A to Z criteria out there.
 24 Q So if an APC employee came from another field where there
 25 was a bonus and went to Kuparuk, would they get their

1 All right, Kuparuk is an oil -- or, a production oilfield,
 2 right?
 3 A Yes.
 4 Q Okay, and the management for APC is here in Anchorage,
 5 right? All right, let me rephrase that. The corporate
 6 headquarters for APC is -- APC and its successors are and
 7 have been here in Anchorage?
 8 A Yes.
 9 Q All right. What would happen to production at Kuparuk if
 10 the safety specialists were not doing their job? In other
 11 words, if there were no safety specialists working?
 12 A What -- what could happen to the production?
 13 Q Right.
 14 A Or what would happen?
 15 Q What would happen to production, say, if you had no safety
 16 specialists?
 17 A Well, by and large, let's say you -- let's say everybody
 18 left Kuparuk, right? Hypothetically the production
 19 facility would sit there and go choo-choo, choo-choo,
 20 choo-choo, choo-choo, and continue to produce
 21 indefinitely, right? Hypothetically.
 22 Q Okay, if that's -- that's your answer, I'm not here to
 23 agree.....
 24 A Yeah.
 25 Qor disagree.

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1 A	Yeah, yeah. So if -- so if you remove safety specialists 2 out of the picture, or you remove operations manager or 3 you remove operator, for that fact, hypothetically things 4 would go on until there's an upset, until there's a 5 problem, until there's -- something gets out of the 6 process to where you have to have controls, judgment, 7 people there to say, there's an upset and so we need to 8 make a correction or a change or on-going maintenance. 9 Q Keep going until Murphy's law came into effect?	1 Q Okay. 2 A You know, that's a tough question sometimes, because 3 policy is -- I don't have a -- I don't know if I have a 4 Webster's dictionary technical distinction between a 5 policy and a procedure. Policy really is thou shall not 6 something. Procedure is you will perform this work by 7 following steps A through Z.
10 A	Right. Or corrosion takes control.	8 Q Okay, my impression, for what it's worth, perhaps, is that 9 a policy tends to be a more broad-based kind of edict or 10 direction, whereas a procedure tends to be specific to a 11 certain process or action.
11 Q	So you need people to keep the field running, right?	12 A Sure, but a procedure can be laced with policy, if you 13 will.
12 A	Yes.	14 Q Sure. But I guess -- okay. Well, as far as doing a 15 confined space entry, the regulations that control that 16 would tend to be specific to that particular process, 17 right? In other words, a policy might be no one gets 18 hurt, that's our policy. Would you classify that as a 19 policy? In other words, call that as a slogan....
13 Q	Okay, and is it correct that safety specialists are 14 integral to keeping the field running?	20 A I think that's a feel good statement.
15 A	Well, it depends on how you view -- view the field. You 16 know, you -- does a safety specialist ever get dirty, 17 let's say, moving a -- opening or closing a valve, pushing 18 -- opening a button? No. So from a day to day operations 19 standpoint, if all the safety specialists vaporized, it's 20 not -- you're not going to -- a valve isn't going to not 21 get opened, let's say, or a valve is all of a sudden going 22 to get closed.	21 Q Okay, all right. What about safety is of the first 22 importance in the discharge of duty, would you call that a 23 policy?
23 Q	Well, safety specialists do get dirty going in and out of 24 tanks and things of that nature, don't they?	24 A Okay, sure. It's a step, that's just a thought process.
25 A	They do? Well, okay, they could. Not -- not -- day in,	25 Q Okay. In doing the day to day tasks would a safety
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1	day out, they don't really get dirty. They're there to 2 watch, they're there to sign off -- I mean, signing a 3 permit, the minute or two task, is not a dirty process. 4 Sniffing a tank, you may be in an area where people are 5 getting dirty, but a safety specialist doesn't get down, 6 let's say, on his hands and knees and change out a valve, 7 let's say. So they're not going to get dirty. Could they 8 brush up against something walking down the hallway? Yes. 9 Would -- could they get in the tank and inspect? Sure, I 10 would hope so. Could they brush up against the clothes or 11 something? Sure. Could they get it that way? Yes.	1 specialist be using procedures to insure that work is 2 being done safely?
12 Q	All right. In doing the job as safety specialist, earlier 13 we spoke of safety policies, would it be more correct to 14 say that safety specialists work with safety procedures 15 than policies? And let me withdraw that and give you 16 another question first. Are there safety procedures that 17 are used at Kuparuk?	3 A I -- I don't know. I don't know how much the specialists 4 refer to the procedure per se.
18 A	Yes.	5 Q Okay. In regard to the questions we had about you 6 speaking with Mr. Cannon about the exempt status of safety 7 specialists, do you ever recollect having conversations 8 with either Mr. Cannon and/or Mr. Les Williams about Mr. 9 Zuber complaining that he wasn't being paid for night-time 10 work, call-out work and things of that nature?
19 Q	All right, do you discern that there's -- and are there 20 safety policies within APC and within the field of Kuparuk 21 as well?	11 A Not -- not that I recall.
22 A	Yes.	12 Q Could it be that Mr. Cannon or Mr. Williams came to you 13 with those issues and you don't recollect it?
23 Q	All right, what do you discern the difference between the 24 two to be, if any?	14 A It could have been, I don't -- I don't recall. I don't 15 recall a specific conversation.
25 A	I was hoping you wouldn't ask me that question.	16 Q Okay, and there's another....
		17 A I -- and around -- what would you say, around night call- 18 outs?
		19 Q Around working in excess of, say, a 6:00 to 6:00 -- 6:00 20 a.m. to 6:00 p.m. shift, so having to go out and do hot 21 work permit at night or other jobs. Being called out at 22 night and working into and sometimes through the night.
		23 A Okay, no, really our policy is around -- ideally we want 24 people to work 6:00 to 6:00, safety specialists alike.
		25 And if they -- if there were a call-out, something of that

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1	effect, in the evening, we would give the latitude, the 2 judgment, discretion, to the safety specialist to either, 3 A, sleep in, go back and take a nap, you know, take a 4 longer -- I mean, whatever, knock off early the next day. 5 There's -- there's nobody -- similar to you showing me did 6 Ron Zuber work 13 hours on day X. I -- I don't know 7 because he didn't have a supervisor standing over him 8 saying you be here at 6:00 and you leave at 6:00. And I 9 don't know where Zuber was. I mean, to me, I'd see him in 10 front of the doughnut case and in the camp and, you know, 11 these -- his supervisor didn't dog him in that sense of 12 day to day.	1 MR. YOUNGMUN: No questions. 2 REPORTER: Off record. 3 (OFF THE RECORD) 4 END OF PROCEEDINGS 5 * * * *
13 Q	Are you aware of Zuber ever sleeping in or going back to 14 take a nap or things of that nature after he ended up 15 doing night work, as it were?	
16 A	No, but I don't know where Zuber was day -- you know, 17 unless I see him in the office. I -- I wouldn't be made 18 aware of it.	
19 Q	Okay. This one's a shot in the dark here. Mr. Zuber 20 represents that he had to do some STM training and he was 21 supposed to do it in a certain manner and that he'd 22 executed an agreement with the people that trained him, 23 that Les Williams told him to go ahead and do the STM 24 training the way Les Williams told him to do it, which Mr. 25 Zuber did, he followed his direct order, and that an ARCO,	
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1	I believe, safety person named Vicki found out about this 2 and was upset about it. Know anything about an incident 3 of that nature?	1 C E R T I F I C A T E 2 UNITED STATES OF AMERICA) 3) ss. 4 DISTRICT OF ALASKA) 5 SUPERIOR COURT) 6) ss. 7 STATE OF ALASKA) 8 I, Teresa E. Mielke, Notary Public in and for the State of 9 Alaska, residing at Anchorage, Alaska, and Electronic Reporter 10 for Gemini Reporting Services, do hereby certify: 11 THAT the annexed and foregoing deposition of Mark C. Nelson 12 was taken before me on the 26th day of August, 2003, beginning 13 at the hour of 1:50 p.m., at the offices of Gemini Reporting 14 Services, 943 West Sixth Avenue, Suite 110, Anchorage, Alaska, 15 pursuant to Notice to take the deposition of said witness on 16 Behalf of the Plaintiff; 17 THAT the above-named witness, before examination, was duly 18 sworn to testify to the truth, the whole truth, and nothing but 19 the truth; 20 THAT this deposition, pages 2 through 91, is a full, true 21 and accurate transcription of the testimony of said witness, 22 reported by me electronically and thereafter transcribed by me. 23 THAT as required by Civil Rule 30(f)(1) amended, the 24 original of the deposition transcript will be lodged in a sealed 25 envelope with the law firm requesting transcription of same, 26 that being the Law Offices of Kenneth Covell; 27 And THAT I have been certified by the Alaska Supreme Court 28 prior to January 1, 1993. 29 I am not a relative nor employee nor attorney nor counsel 30 of any of the parties, nor am I financially interested in this 31 action. 32 IN WITNESS WHEREOF, I have hereunto set my hand and affixed 33 my seal this 2nd day of August, 2003. 34 _____ 35 _____ 36 SEAL
17 A	Go do it like what? What do you mean?	
18 Q	Evidently there's a way to do it that you're instructed to 19 do it, and he was -- I think it was to too big a group, 20 essentially. It was to a group of 50 or something. And 21 something -- is this anything that ever came to your 22 attention, to your recollection?	
23 A	If Ron said he brought it to my attention, I wouldn't deny 24 it. I don't recall. I don't recall that, no.	
25 MR. COVELL:	That's all I have. That's all I have.	

C E R T I F I C A T E

I, Teresa E. Mielke, Notary Public in and for the State of Alaska, residing at Anchorage, Alaska, and Electronic Reporter for Gemini Reporting Services, do hereby certify:

THAT the annexed and foregoing deposition of Mark C. Nelson was taken before me on the 26th day of August, 2003, beginning at the hour of 1:50 p.m., at the offices of Gemini Reporting Services, 943 West Sixth Avenue, Suite 110, Anchorage, Alaska, pursuant to Notice to take the deposition of said witness on behalf of the Plaintiff;

THAT the above-named witness, before examination, was duly sworn to testify to the truth, the whole truth, and nothing but the truth;

THAT this deposition, pages 2 through 91, is a full, true and accurate transcription of the testimony of said witness, reported by me electronically and thereafter transcribed by me.

THAT as required by Civil Rule 30(f)(1) amended, the original of the deposition transcript will be lodged in a sealed envelope with the law firm requesting transcription of same, that being the Law Offices of Kenneth Covell;

And THAT I have been certified by the Alaska Supreme Court prior to January 1, 1993.

I am not a relative nor employee nor attorney nor counsel of any of the parties, nor am I financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my seal this 2nd day of August, 2003.

A rectangular seal for a State of Alaska Notary Public. It features a decorative border at the top and bottom. The words "State of Alaska" are at the top, "Notary Public" are in the center, and "Teresa E. Mielke" is written across the bottom. A circular emblem is on the right side.

ГЕММАН

Reporting Services
943 West 6th, Suite 110
Anchorage, Alaska 99501

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